IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

Bail Appl..No. 1076 of 2007()

CP.197/2006 of J.M.F.C.-II,KOTTARAKKARA

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PETITIONER/ACCUSED :

GEORGEKUTTY, S/O. YOHANNAN,.
CHARUVILA PUTHEN VEEDU, ULIYANADU MURI,
VETTIKAVALA VILLAGE, KOTTARAKKARA

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENTS:

THE EXCISE INSPECTOR, EXCISE RANGE OFFICE,
CHADAYAMANGALAM, REPRESENTEDBY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-02-2007 THE COURT ON 19/02/2007 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 1076 of 2007

DATED: 19th February, 2007

O R D E R

Petitioner who is the 2nd accused in C.R. 43/04 of Chadayamangalam Excise Range for offences punishable under Sections 8(1) and (2) of the Abkari Act for allegedly having been found in possession of 1 litre of arrack on 5-8-2004, seeks anticipatory bail.

2. Admittedly, the case is pending before the J.F.C.M.-II, Kottarakkara as C.P. 197/2006. Presumably, consequent on the non-appearance of the petitioner before the court, non-bailable warrants of arrest are pending against him. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the committal court and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within 10 days from today, the same shall be considered and disposed of preferably on the same date on which it is filed after

examining the explanation offered by the petitioner for his previous non-appearance.

With the above observation this application is dismissed.

Sd/-**V.RAMKUMAR, JUDGE.**

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